

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT*A Tradition of Service*

DATE: November 13, 2009

FILE NO. FO2236379

OFFICE CORRESPONDENCE

FROM:

STEPHEN B. JOHNSON, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO:

KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT:

**EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
DEPUTY JOHN ROTH # [REDACTED]
DEPUTY C.L. THAMES # [REDACTED]
PALMDALE STATION**

On December 22, 2008, at approximately 0340 hours, Deputies John Roth and C.L. Thames were involved in a use-of-force incident which resulted in Suspect Brown sustaining a contusion to the center of his forehead, a lacerated lip, and a fractured left rib.

Deputies Roth and Thames responded to a vandalism call at [REDACTED] East Avenue S-3, Palmdale. Suspect Brown was subsequently arrested for a No-Bail Warrant. As both deputies were walking the suspect to the patrol car, Suspect Brown became assaultive and began flailing his body in an attempt to free himself. Suspect Brown kicked Deputy Roth in the right knee with his right foot. The deputies took the suspect down to the ground, where he landed on his face. They sprayed Suspect Brown with Freeze +P chemical agent, and they applied the rip hobble to his legs. He was subsequently taken into custody without further incident. Los Angeles County Fire Station 131 responded and treated Suspect Brown for chemical irritant exposure.

Suspect Brown was transported to the Antelope Valley Hospital Emergency Room, where he was treated by Dr. Gupta. He was treated for a contusion to the center of his forehead, a lacerated lip, and a fractured left rib. He was given an okay to book and transported to Palmdale Station.

On November 5, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

November 13, 2009

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy John Roth # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy C.L. Thames Jr. # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.



Stephen B. Johnson, Commander

EBS:YLV/yw

TABLE OF CONTENT

FO2236379

INVESTIGATOR'S LOG

SUPERVISOR'S REPORT ON USE OF FORCE FORM

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

EXHIBITS A THROUGH D

- A** Crime Report - Resisting Executive Officer, 69 PC; Violation of Parole, 3056 P.C., Under File Number 508-23888-2608-145
- B** (3) Supplemental Reports under File Number 508-23888-145
- C** Suspect Brown's Criminal History / OK to Book Form
- D** Photographs

MISCELLANEOUS DOCUMENTS

- Administrative Rights Forms
- Copy of Palmdale Sheriff's Station EM In-Service for December 22, 2008
- Training Records and Assignment Card for Involved Deputies
- Incident Details Printout

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Page 1 of 4

Incident Information

URN: 5 0 8 - 2 3 8 8 8 - 2 6 0 8 - 1 4 5		Date: 12/2/08	Time: 1700
Location:	East Avenue S-3	City or Station:	Palmdale
Bureau/Station/Facility:	Field Operations Region 1 / Palmdale Station	Admin. Investigation:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Type of Force:	Significant : Take Down (minor head injury) ; OC Spray ; Hobble		
Deputy Injury : YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Suspect Injury YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
<input checked="" type="checkbox"/> Call	<input type="checkbox"/> Observation	<input type="checkbox"/> Detail	<input type="checkbox"/> Foot Pursuit <input type="checkbox"/> Vehicle Pursuit
IAB Notified: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Person Notified: LT. Scott Brickert	Emp: [Redacted]	IAB Roll Out: YES <input type="checkbox"/> NO <input type="checkbox"/>

Involved Employee

E 1

Employee # [Redacted]	Last Name: Roth	First Name: John	Middle Name: M.
Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Race: W	Unit of Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 264A
Shift: <input checked="" type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM	<input checked="" type="checkbox"/> Regular Shift <input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty	Age: [Redacted]	Height: 6'02" Weight: 245
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:			Coroner Case # Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>

E 2

Employee # [Redacted]	Last Name: Thames	First Name: C.L.	Middle Name:
Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Race: O	Unit of Assignment: Palmdale Station	Work Assignment (Unit #, Module, etc.): 264
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input checked="" type="checkbox"/> PM	<input checked="" type="checkbox"/> Regular Shift <input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty	Age: [Redacted]	Height: 6'03" Weight: 220
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:			Coroner Case # Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>

E

Employee #	Last Name	First Name	Middle Name
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM	<input type="checkbox"/> Regular Shift <input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty	Age:	Height: Weight:
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:			Coroner Case # Directed Force <input type="checkbox"/> Significant Force <input type="checkbox"/>

☐ Additional Involved Employees

On Duty Supervisor

Emp. # [Redacted]	Last Name: Biehl	First Name: Jeffrey	Middle Name: R.	Rank: Sgt.	Present: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Witness to Incident: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Emp. #	Last Name	First Name	Middle Name	Rank	Present: YES <input type="checkbox"/> NO <input type="checkbox"/>	Witness to Incident: YES <input type="checkbox"/> NO <input type="checkbox"/>

Watch Sergeant

Emp. # [Redacted]	Last Name: Kneer	First Name: Dennis	Middle Name: M.
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Watch Commander

Emp. # [Redacted]	Last Name: Clay	First Name: Paul	Middle Name: A.
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Lieutenant Paul Clay

Watch Commander (Print Name)

Watch Commander's Signature: [Redacted]

Emp #:

Date

Sergeant Jack H. Ramirez!

Supervisor Completing Form: (Print Name)

Emp #:

Copy Provided to Employee by:

Emp #:

Captain Bobby D. Denham

Unit Commander (Print Name)

Unit Commander's Signature:

Emp #:

Date

DISCOVERY Use Only

Original: Discovery Unit

Supervisor's Report on Use of Force
SUSPECT INFORMATION
5 0 8 - 2 3 8 8 8 - 2 6 0 8 - 1 4 5

Page 2 of 4

S 1

Suspect Information										
Last Name			Brown		First Name		Victor		Middle Name	Shawn
AKA Last Name					First Name				Middle Name	
Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race: B	Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:	Age: 38	Height: 5'10"	D.O.B. 11-12-70		Weight: 235		Armed? <input type="checkbox"/>	
Booking #: 1739183		Primary Charge Code: 69 PC		Secondary Charge Code:			Criminal History			
EMT in attendance? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Name: LACOFD Captain Hernandez Unit: 131 Phone #: 661-947-8700										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: Antelope Valley Medical Center Coroner Case #: Mental History <input type="checkbox"/>										
By Doctor: Malkeet Gupta MD Address: 1600 West Avenue J, Lancaster 93534 Phone #: 661-949-5000										
Under Influence: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Substance: Alcohol Mental Illness <input type="checkbox"/>										
Suspect Interview										
Date: 12-22-08		Time: 0942		Audiotape: <input type="checkbox"/>		Videotape: <input checked="" type="checkbox"/>		Photos of Injuries: <input checked="" type="checkbox"/>		

S

Suspect Information										
Last Name					First Name				Middle Name	
AKA Last Name					First Name				Middle Name	
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:	Age:	Height:	D.O.B.		Weight:		Armed? <input type="checkbox"/>	
Booking #:		Primary Charge Code:		Secondary Charge Code:			Criminal History <input type="checkbox"/>			
EMT in attendance? <input type="checkbox"/> YES <input type="checkbox"/> NO Name: Unit: Phone #:										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: Coroner Case #: Mental History <input type="checkbox"/>										
By Doctor: Address: Phone #:										
Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: Mental Illness: <input type="checkbox"/>										
Suspect Interview										
Date:		Time:		Audiotape: <input type="checkbox"/>		Videotape: <input type="checkbox"/>		Photos of Injuries: <input type="checkbox"/>		

S

Suspect Information										
Last Name					First Name				Middle Name	
AKA Last Name					First Name				Middle Name	
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:	Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:	Age:	Height:	D.O.B.		Weight:		Armed? <input type="checkbox"/>	
Booking #:		Primary Charge Code:		Secondary Charge Code:			Criminal History <input type="checkbox"/>			
EMT in attendance? <input type="checkbox"/> YES <input type="checkbox"/> NO Name: Unit: Phone #:										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: Coroner Case #: Mental History <input type="checkbox"/>										
By Doctor: Address: Phone #:										
Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: Mental Illness: <input type="checkbox"/>										
Suspect Interview										
Date:		Time:		Audiotape: <input type="checkbox"/>		Videotape: <input type="checkbox"/>		Photos of Injuries: <input type="checkbox"/>		

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
5 0 8 - 2 3 8 8 8 - 2 6 0 8 - 1 4 5

Page 3 of 4

Employee Witnesses				
Emp. #	Last Name	First Name	Middle Name	
Emp. #	Last Name	First Name	Middle Name	
Emp. #	Last Name	First Name	Middle Name	
Emp. #	Last Name	First Name	Middle Name	
Emp. #	Last Name	First Name	Middle Name	
Emp. #	Last Name	First Name	Middle Name	

Non-Employee Witnesses				
Last Name	First Name	Middle Name	Age	
			37	
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

Method

(AW) Arwen	(FH) Firearm (Handgun)	(PO) Personal Weapon (Other)
(BC) Baton: (Control)	(FR) Firearm (Rifle)	(RS) Resistance
(BI) Baton: (Impact)	(FS) Firearm (Shotgun)	(CN) Restraint Device (Capture Net)
(BF) Bodily Fluids	(FO) Firearm (Other)	(RH) Restraint Device (Handcuffs)
(CN) Canine	(FB) Flashbang	(HB) Restraint Device: Hobble (Legs Only)
(CR) Carotid Restraint	(FL) Flashlight	(TP) Restraint Device: Hobble (TARP)
(CH) Choke Hold	(OE) Other Weapon: Edged	(RE) Restraint Device: REACT Belt
(CT) Control Holds: (Control Techniques)	(OV) Other Weapon: Vehicle	(SP) Sap
(TT) Control Holds: (Team Takedown)	(OB) Other Weapon: Blunt Object	(SH) Shield
(TD) Control Holds: (Takedown)	(OO) Other Weapon: Other	(SG) 37mm Stinger
(CE) Chemical	(PK) Personal Weapon: Feet/Leg: (Kick)	(SB) Sting Ball
(OC) Chemical Agents (OC Spray)	(PS) Personal Weapon: Feet/Leg: (Sweep)	(ST) Stun Bag
(TG) Chemical Agents (Tear Gas)	(PH) Personal Weapon (Hand/Arm)	(TR) Taser
(EX) Explosives	(PP) Personal Weapon (Push)	(UC) Uncooperative

Type of Injury

(AB) Abrasion	(DB) Dog Bite	(PA) Paralysis
(BR) Bruise	(FR) Fractures	(PW) Puncture Wound
(BU) Burn	(GS) Gunshot	(SD) Soft Tissue Damage
(CP) Complaint of Pain	(HB) Human Bite	(ST) Sprain/Twists
(CO) Concussion	(LC) Lacerations	(UN) Unconscious
(DH) Death	(ND) Nerve Damage	(RM) Refused Med Treatment
(DI) Dislocation	(OD) Organ Damage	(NN) NONE

Body Part Injured

(AD) Abdomen	(FA) Face	(HI) Hip
(AK) Ankle	(FE) Feet	(IN) Internal
(AR) Arm	(FI) Fingers	(KN) Knees
(BK) Back	(GE) Genitals	(LE) Leg
(BT) Buttocks	(GR) Groin	(NK) Neck
(CH) Chest	(HD) Hands	(NO) Nose
(EL) Elbow	(HE) Head	(SH) Shoulder
		(WR) Wrist

[illegible]

**COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT**

SIGNIFICANT FORCE INCIDENT SUMMARY

UNIT: Palmdale Sheriff's Station
DATE: December 22, 2008, Sunday
TIME: 0340 hours
LOCATION: [REDACTED] E. Avenue S-3,
Palmdale, CA 93551
IAB#: FO2236379
URN#: 508-23888-2608-145

NATURE OF INCIDENT:

On Sunday, December 22, 2008, at approximately 0340 hours, Deputies John Roth # [REDACTED] and C.L. Thames # [REDACTED] responded to a vandalism call at [REDACTED] E. Avenue S-3, Palmdale. Suspect Brown was subsequently arrested for a No-Bail Warrant. As both deputies were walking the suspect to the patrol car, suspect Brown became assaultive and began flailing his body in an attempt to free himself. Suspect Brown kicked Deputy Roth in the right knee with his right foot. The Deputies took the suspect down to the ground, where he landed on his face. They sprayed Suspect Brown with Freeze +P chemical agent, and they applied the Rip Hobble to his legs. He was subsequently taken into custody without further incident. Los Angeles County Fire Station 131 responded and treated Suspect Brown for chemical irritant exposure.

Suspect Brown was transported to Antelope Medical Center where he was treated by E.R. Doctor Gupta. He was treated for a contusion to the center of his forehead, a lacerated lip, and a fractured left rib. He was given an ok to book and transported to Palmdale Sheriff's Station.

INVOLVED PERSONNEL:

ROTH, JOHN- Deputy Sheriff, Employee # [REDACTED]
Palmdale Station
FOR I

Employee Work History:

Date of Employment: 03-20-2006
Date Assigned to Unit: [REDACTED]
Prior Founded Force Incidents: [REDACTED]

THAMES, C.L.- Deputy Sheriff, Employee # [REDACTED]
Lancaster Station
FOR I

Employee Work History:

Date of Employment: 02-15-2004
Date Assigned to Unit: [REDACTED]
Prior Founded Force Incidents: [REDACTED]

INVOLVED SUSPECT:

BROWN, VICTOR

Sex: Male
Race: Black
Characteristics: 5'10" 235 Black / Brown
Date of Birth: November 12, 1970
Booking Number: 1739183
Charge: 69 P.C. Assault on a Peace Officer, 3056 P.C., Violation of Parole
Injury: Fractured left rib, lacerated lip, several abrasions, contusion on forehead.

Suspect Brown's Consolidated Criminal History consist's of the arrest related to this case,

[REDACTED]

IAB Note: A copy of Suspect Brown's Criminal History is included in this report (Exhibit C).

DEPARTMENT WITNESSES:

Caplinger, Eric- Deputy Sheriff- # [REDACTED]
Palmdale Station
FOR I

NON-DEPARTMENT WITNESSES:

[REDACTED] FB/37
DOB: [REDACTED]
[REDACTED]

H.P. [REDACTED]

INVOLVED EMPLOYEE STATEMENTS:

Deputy John Roth, # [REDACTED], was interviewed on January 15, 2009, at 0524 hours, by Internal Affairs Bureau Sergeants Jack Ramirez and Al Maldonado. The interview was conducted at the Palmdale Sheriff's Station. Deputy Roth agreed to be interviewed without representation, and the interview was digitally recorded for review. The following is a summary of Deputy Roth's interview of the incident.

Deputy Roth said on the indicated date and time he was working Unit 264A EM's. He said he responded to the location regarding a vandalism call in progress. He said he directed his assisting unit, Deputy Thames, unit 264 EM's, to check the vicinity for the disturbing party. He said Deputy Thames arrived and contacted Suspect Brown on Avenue S-3, [REDACTED] houses [REDACTED] of the incident ([REDACTED] E. Avenue S-3). Deputy Roth said he contacted [REDACTED] (Suspect's [REDACTED]) and she told him that she saw Suspect Brown hitting her vehicle (Ca. License # [REDACTED]) with an unknown object. She told Deputy Roth that she told the suspect to stop and he responded by yelling at her. She said she called 911. Ms. [REDACTED] also told Deputy Roth that the suspect had been drinking brandy during the evening. Deputy Roth said during his investigation, he determined that there was no permanent damage done to the victim's vehicle.

He said he ran Suspect Brown for warrants and it showed that he was wanted for a No-bail 211 P.C. warrant. Deputy Roth said Deputy Thames had detained Suspect Brown in the backseat of his (Thames') radio car. Deputy Roth said Suspect Brown was already handcuffed but he decided to move him to his unit, since he was the handling unit and Suspect Brown was being cooperative. Deputy Roth said he told Suspect Brown that he had a warrant and Suspect Brown acknowledged him.

Deputy Roth said they removed Suspect Brown from the radio car and they proceeded to walk him about 10 or 15 feet towards his (Roth's) parked radio car. He said he was on the right side of Suspect Brown and Deputy Thames was on Brown's left side. He said Suspect Brown suddenly started yelling. Deputy Roth said he told Suspect Brown to stop yelling. He said Suspect Brown suddenly started kicking him in the right knee area and began jerking his body in an attempt to break free. Deputy Roth said he gave Suspect Brown verbal commands to stop kicking him. He said the suspect refused to comply and kicked him a second time. He said when the suspect attempted to kick him a third time, he and Deputy Thames took the suspect to the ground.

Deputy Roth said the suspect landed on his chest and face area. He said they both landed on top of Suspect Brown. He said the Suspect continued to kick and he continued to yell out verbal commands for Suspect Brown to stop kicking, to which he refused to comply. Deputy Roth said he deployed his O.C. Spray (Freeze +P). He said he gave the suspect two 1 to 2 second bursts of spray. He said at that point, he told Deputy Thames to get the hobble and to hobble Suspect Brown's legs. Deputy Roth said once they hobbled the suspect, they placed him in the backseat of his (Roth's) radio car. He said

they requested Sergeant Biehl respond to their location. He said they reported their use of force to him (Biehl).

Deputy Roth said Los Angeles County Fire Department Station 131 responded to their location and treated Suspect Brown. He said Suspect Brown was transported to Antelope Valley Hospital for an ok to book.

I.A.B. NOTE: Refer Exhibit A, for Deputy Roth's Arrest Report. Also see a copy his transcribed interview submitted with this case file.

Deputy C.L. Thames, # [REDACTED] was interviewed on January 15, 2009, at 0455 hours, by Internal Affairs Bureau Sergeants Jack Ramirez and Albert Maldonado. The interview was conducted at the Palmdale Sheriff's Station. Deputy Thames agreed to be interviewed without representation and the interview was audio recorded for review. The following is a summary of Deputy Thames' perception of the incident.

Deputy Thames said he responded to [REDACTED] East Avenue S-3 regarding a vandalism call. He said upon his arrival, he contacted Suspect Brown who was walking west on Avenue S-3 from the indicated location. He said at that point he handcuffed and detained Suspect Brown pending the arrival of the handling unit, Deputy Roth. He said Suspect Brown was cooperative however he smelled a strong odor of alcohol on his person.

Deputy Thames said Deputy Roth arrived and conducted his investigation. He said Deputy Roth ran Suspect Brown for warrants, and it was discovered that Suspect Brown was wanted for a No-Bail [REDACTED] warrant. He said they proceeded to remove Suspect Brown from his radio car and started to walk him towards Deputy Roth's vehicle which was parked a short distance away. He said when they walked him approximately 10 feet Suspect Brown started yelling towards the victim's residence. He said Suspect Brown called Ms. [REDACTED] a bitch and was upset about her calling the police.

Deputy Thames said he was walking on the left side Suspect Brown while Deputy Roth was on Brown's right side. He said suddenly he felt a jerking motion and saw Suspect Brown kicking at Deputy Roth. He said Suspect Brown missed Roth with his first kick. He said Suspect Brown was able to kick Deputy Roth in his right knee/shin area on the second kick. Deputy Thames said he attempted to pull Suspect Brown away from Deputy Roth. He said Suspect Brown continued to kick at Deputy Roth and thinks he struck him at least two more times.

Deputy Thames said they gave Suspect Brown verbal commands to stop fighting and to stop resisting, but he continued to fight with them. He said he pulled Suspect Brown and they (Thames and Roth) took him to the ground. He said Suspect Brown landed on his chest and facial area. Deputy Thames said both he and Roth landed on top of Suspect Brown. Thames said they continued to yell out stop fighting and stop resisting while they were on the ground. He said Suspect Brown continued to kick his legs and resisted their efforts to restrain him.

Deputy Thames said he attempted to place the hobble on Suspect Brown's legs, but it was difficult because he continued to kick his legs. He said Deputy Roth deployed his O.C. Spray. He said Suspect Brown continued to fight with them and attempted to raise his body up off the ground. Deputy Thames said he was able to hobble Suspect Brown's feet and that seemed to restrict the movement of his legs. He said they were able to take him into custody without further incident and placed him in Deputy Roth's car. Deputy Thames said he reported his use of force to Sergeant Biehl.

I.A.B. NOTE: Refer to Exhibit B, for Deputy Thames' Supplementary Report. Also see copy of his transcribed interview submitted with this case file.

SUSPECT STATEMENTS:

Suspect Victor Brown was interviewed on December 22, 2008, at approximately 0942 hours by Sergeant Biehl. The interview was conducted at the Palmdale Sheriff's Station and was video recorded.

Suspect Brown told Sergeant Biehl that he refused to cooperate with the deputies and resisted their efforts to arrest him because he knew he was wanted and did not want to go back to prison. He told Sergeant Biehl that he was pepper-sprayed during the incident. Sergeant Biehl took photographs of Suspect Brown's injuries which included abrasions on his right elbow and a bump to his head.

IAB Note: Video recording of Suspect Brown's interview is included in this case file. Also see transcribed interview by Sergeant Biehl submitted with this case file.

DEPARTMENT WITNESSES STATEMENTS:

Deputy Eric Caplinger, # [REDACTED], was interviewed on January 15, 2009, at approximately 0626 hours. The interview took place at the Palmdale Sheriff's Station and was audio recorded for review. Deputy Caplinger said on December 22, 2008, he was directed to respond to [REDACTED] East Avenue S-3, in order to transport a prisoner to antelope Valley Hospital for an ok to book. He said he was told that Suspect Brown was arrested for a No-Bail warrant and he had resisted and force was used on him.

Deputy Caplinger said while transporting Suspect Brown to the hospital, he proceeded to say that he was wrong and had resisted the deputies. He (Brown) also said he knew the deputies were only trying to do their job. Suspect Brown told Deputy Caplinger that he knew that he had a No-bail Warrant and said the judge had told him he (Brown) would be sent to prison for five years. He told Deputy Caplinger that he resisted and hoped he could escape from the deputies.

Deputy Caplinger said Doctor Gupta treated Suspect Brown for a broken left rib, bruising to his left chest wall, and several minor abrasions. He said Doctor Gupta said the injuries were consistent with being taken to the ground by the deputies.

I.A.B. NOTE: Refer to Exhibit B, for a copy of Deputy Caplinger and Deputy Hallack's Supplementary Report. Also see copy of Deputy Caplinger's transcribed interview submitted with this case file.

SUSPECT INJURIES:

Suspect Brown was transported to Antelope Valley Hospital. He was treated by emergency room physician Doctor Gupta. Dr. Gupta treated Suspect Brown for a fractured left rib, bruising to his chest wall, and several abrasions. He approved the ok to book and Suspect Brown was transported to Palmdale Sheriff's Station.

DEPUTY PERSONNEL INJURIES:

No injuries were sustained by deputy personnel..

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons (hands, knees), Takedown, O.C. Spray, Hobble restraint.

WEAPONS USED BY SUSPECT:

Personal weapons (hands and feet)

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	William Gordon # [REDACTED], Palmdale Detective Bureau
Court:	Palmdale Superior Court
Charges Filed:	69 P.C. filed against Victor Brown
Status:	Sentenced to (4) Years State Prison

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The weather was clear and cool.